

1 AARON D. FORD
Attorney General
2 PETER E. DUNKLEY, Bar No. 11110
Deputy Attorney General
3 State of Nevada
Public Safety Division
4 100 N. Carson Street
Carson City, Nevada 89701-4717
5 Tel: (775) 684-1259
E-mail: pdunkley@ag.nv.gov

6 *Attorneys for Defendants*
7 *Renee Baker, Jeffrey Chandler,*
8 *Steve Dalton and Ray East*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 ROGER RANDOLPH,

12 Plaintiff,

13 v.

14 RENE BAKER, et al.,

15 Defendants

Case No. 3:17-cv-00506-MMD-WGC

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
JOINT PRE-TRIAL ORDER
(SECOND REQUEST)**

16 Defendants, Renee Baker, Jeffrey Chandler, Steve Dalton and Ray East, by and
17 through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E.
18 Dunkley, Deputy Attorney General, hereby submits this Motion for Extension of Time to
19 File Joint Pretrial Order (Second Request).

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 Defendants respectfully requests a thirty (30) day extension of time from the
22 current deadline of April 1, 2020, to file the proposed Joint Pretrial Order.

23 On January 30, 2020, the parties attended a settlement conference, which did not
24 resolve the case. The Court issued a Minute Order setting the deadline for the proposed
25 Joint Pretrial Order to be submitted no later than March 2, 2020. (ECF No. 57.)

26 LR 16-3(b) states: "Upon the initiative of a pro se plaintiff or plaintiff's attorney, the
27 attorneys or parties who will try the case and who are authorized to make binding

28 ///

1 stipulations must personally discuss settlement and prepare and file a proposed joint
2 pretrial order...”

3 As indicated in the first request for an extension, the Defendants have since
4 arranged for and conferred with Plaintiff on the telephone, regarding the rule and the joint
5 pretrial order. After the telephone conference, counsel for Defendants created a draft
6 proposed joint pretrial order and mailed a copy of the order (along with a return envelope)
7 to Plaintiff for Plaintiff's additions, edit, comments. Defendants have not received
8 Plaintiff's edit or additions. Defendants are not accusing Plaintiff of delay. Anecdotally,
9 mail sent via U.S. Postal Service between prisons and the Office of the Attorney General
10 appears to take longer than other private correspondence. Additionally, mail processing at
11 the OAG may be slowed as many employees, including those responsible for handling mail,
12 have been encouraged to telework and thereby limit their time in the office.

13 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
14 follows:

15 When an act may or must be done within a specified time, the
16 court may, for good cause, extend the time: (A) with or without
17 motion or notice if the court acts, or if a request is made, before
18 the original time or its extension expires; or (B) on motion made
after the time has expired if the party failed to act because of
excusable neglect.

19 Defendants' request will not hinder or prejudice Plaintiff's case. The requested thirty day
20 extension of time should permit the parties time to adequately finalize a joint pretrial
21 order as required by LR 16-3(b). Defendants asserts that the requisite good cause is
22 present to warrant the requested extension of time. ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 For these reasons, Defendants respectfully requests a thirty (30) day extension to
2 permit sufficient time submit a proposed joint pretrial order pursuant to LR 16-3 and
3 ECF No. 57, with a new deadline to and including Friday, May 1, 2020.

4 **Proposed Schedule for Remaining Deadlines**

5 Current Proposed Joint Pretrial Order April 1, 2020

6 Proposed Joint Pretrial Order May 1, 2020

7 DATED this 31st day of March 2020.

8 AARON D. FORD
9 Attorney General

10 By: /s/ Peter E. Dunkley
11 PETER E. DUNKLEY, Bar No. 11110
12 Deputy Attorney General

13 *Attorneys for Defendants*

14 **IT IS SO ORDERED.**

15
16 William G. Cobb
17 **UNITED STATES MAGISTRATE JUDGE**

18 **DATED:** April 1, 2020
19
20
21
22
23
24
25
26
27
28